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7 **Proposed Liaison Counsel for Lead Plaintiff**  
8 **Movant Adrian G. Mongeli and the Class**

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11 SAXENA WHITE P.A.  
12 2424 North Federal Highway, Suite 257  
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14 Tel: (561) 394-3399  
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16 Lewis Kahn  
17 Michael A. Swick  
18 KAHN GAUTHIER SWICK, LLC  
19 650 Poydras Street, Suite 2150  
20 New Orleans, LA 70130  
21 Tel: (504) 455-1400  
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23 **Proposed Lead Counsel for Lead Plaintiff**  
24 **Movant Adrian G. Mongeli and the Class**

25 **UNITED STATES DISTRICT COURT**  
26 **NORTHERN DISTRICT OF CALIFORNIA**

27 I.B.I. INVESTMENTS, LTD. Individually, )  
28 And On Behalf Of All Others Similarly )  
Situated, )  
Plaintiff, )  
vs. )  
TERAYON COMMUNICATIONS )  
SYSTEMS, INC., ZAKI RAKIB, JERRY )  
D. CHASE, MARK A. RICHMAN, and )  
EDWARD LOPEZ, )  
Defendants. )

29 **CASE NO.: 3-06-CV-03936 MJJ**

30 **CLASS ACTION**

31 **NOTICE OF MOTION OF ADRIAN G.**  
32 **MONGELI TO BE APPOINTED LEAD**  
33 **PLAINTIFF PURSUANT TO SECTION**  
34 **21D(a)(3)(B) OF THE SECURITIES**  
35 **EXCHANGE ACT OF 1934 AND TO**  
36 **APPROVE PROPOSED LEAD**  
37 **PLAINTIFF'S CHOICE OF COUNSEL**

38 **DATE: October 17, 2006**  
39 **TIME: 9:30 a.m.**  
40 **CTRM: 11, 19th Floor**

1 **TO: THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on October 17, 2006 at 9:30 a.m., or as soon thereafter  
 3 as the matter may be heard, before the Honorable Martin J. Jenkins, United States District Judge,  
 4 450 Golden Gate Avenue, San Francisco, California 94102, Courtroom 11, 19<sup>th</sup> Floor, Adrian G.  
 5 Mongeli ("Mongeli") will, and hereby moves this Court for an order to be appointed Lead Plaintiff  
 6 in this action against Terayon Communication Systems, Inc. ("Terayon" or the "Company")  
 7 pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15  
 8 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995  
 9 ("PSLRA"), and for approval of his selection of the law firms Kahn Gauthier Swick, LLC ("KGS")  
 10 and Saxena White P.A. ("SW") as Lead Counsel and the Braun Law Group, P.C. as Liaison Counsel  
 11 "BLG") in this action.

12 Mongeli makes this Motion on the belief that he is the most "adequate plaintiff" as defined  
 13 in the PSLRA because:

14 1. he has the largest financial interest in the relief sought by the Class and has incurred  
 15 substantial losses in the amount of \$63,248.87 as a result of his purchases of Terayon  
 stock during the Class Period, and

16 2. he satisfies the typicality and adequacy requirements of Fed.R.Civ.P. Rule 23.

17 Mongeli further requests that the Court approve the selection of his counsel, KGS and SW,  
 18 as Lead Counsel and BLG as Liaison Counsel for the Class. The KGS and SW firms are nationally  
 19 recognized law firms with significant class action, fraud and complex litigation experience, and are  
 20 firms with the resources to effectively and properly pursue this action.

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1 For all of the foregoing reasons, Mongeli respectfully requests that this Court: (1) appoint  
2 Mongeli to serve as Lead Plaintiff in this action; (2) approve Mongeli's selection of Lead and  
3 Liaison Counsel for the Class; and (3) grant such other and further relief as the Court may deem just  
4 and proper.

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6 Dated: September 11, 2006

Michael D. Braun  
BRAUN LAW GROUP, P.C.

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8 By: \_\_\_\_\_/S/  
9 Michael D. Braun

10 12400 Wilshire Boulevard  
11 Suite 920  
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12 **Proposed Liaison Counsel for Lead Plaintiff  
13 Movant Adrian G. Mongeli and the Class**

14 Maya Saxena  
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20 **Proposed Lead Counsel for Lead Plaintiff  
21 Movant Adrian G. Mongeli and the Class**

## **PROOF OF SERVICE**

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES )ss.: )

4 I am employed in the county of Los Angeles, State of California, I am over the age of 18 and  
5 not a party to the within action; my business address is 12400 Wilshire Boulevard, Suite 920, Los  
Angeles, CA 90025.

6 On September 11, 2006, using the Northern District of California's Electronic Case Filing  
7 System, with the ECF ID registered to Michael D. Braun, I filed and served the document(s) described  
as:

**NOTICE OF MOTION OF ADRIAN G. MONGELI TO BE APPOINTED LEAD PLAINTIFF PURSUANT TO SECTION 21D(a)(3)(B) OF THE SECURITIES EXCHANGE ACT OF 1934 AND TO APPROVE PROPOSED LEAD PLAINTIFF'S CHOICE OF COUNSEL**

11 The ECF System is designed to automatically generate an e-mail message to all parties in the  
case, which constitutes service. According to the ECF/PACER system, for this case, the parties served  
are as follows:

Lionel Z. Glancy, Esq. info@glancylaw.com

**Attorneys for Plaintiff**

15 On September 11, 2006, I served the document(s) described as:

**NOTICE OF MOTION OF ADRIAN G. MONGELI TO BE APPOINTED LEAD PLAINTIFF PURSUANT TO SECTION 21D(a)(3)(B) OF THE SECURITIES EXCHANGE ACT OF 1934 AND TO APPROVE PROPOSED LEAD PLAINTIFF'S CHOICE OF COUNSEL**

by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

Maya Saxena, Esq.

20 Joseph E. White, III, Esq.

SAXENA WHITE P.A.

21 2424 North Federal Highway, Suite 257

Boca Raton, FL 33431

22 || Tel: (561) 394-3399

Fax: (561) 394-3382

|| Lewis Kahn, Esq.

24 Michael A. Swick, Esq.

KAHN GAUTHIER SWICK, LLC

25 | 650 Poydras Street, Suite 2150

■ New Orleans, LA 70130

26 || Tel: (504) 455-1400

Fax: (504) 455-1498

**Attorneys for Plaintiff**

1 I served the above document(s) as follows:

2 BY MAIL. I am familiar with the firm's practice of collection and processing correspondence  
3 for mailing. Under that practice it would be deposited with U.S. postal service on that same day with  
4 postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware  
that on motion of the party served, service is presumed invalid if postal cancellation date or postage  
meter date is more than one day after date of deposit for mailing in an affidavit.

5 I declare declare, pursuant to Civil L.R. 23-2, that on the date hereof I served a copy of the  
6 above-listed document(s) on the Securities Class Action Clearinghouse by electronic mail through the  
following electronic mail address provided by the Securities Class Action Clearinghouse:

7 **scac@law.stanford.edu**

8 I further declare that I am employed in the office of a member of the bar of this Court at whose  
9 direction the service was made.

10 I further declare under penalty of perjury under the laws of the United States that the above is  
true and correct.

11 Executed on September 11, 2006, at Los Angeles, California 90025.

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13 **/S/ LEITZA MOLINAR**  
14 Leitza Molinar

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